

## **Targeted Site Investigations - California Brownfields Sites Process for Agencies to Select Sites - FY 2003-04 (September 2003)**

This document outlines a process for the Regional Water Quality Control Board (RWQCB) and the Department of Toxic Substances Control (DTSC), collectively the "Cal/EPA Departments," to select a limited number of brownfield sites in California that will receive services to conduct Targeted Site Investigations (TSIs). The selection procedures provide the Cal/EPA Departments with a method to compare candidate sites and ensure that the sites are eligible to participate in the program. Sites selected for this program will receive services to conduct an investigation by accessing DTSC's cleanup contractor, which is managed by DTSC staff. All applicants will need to submit a package of information identified in this document in order to be considered for selection into this program.

### **BACKGROUND**

In July 2003, DTSC was awarded \$1.5 million in federal funds from the U.S. Environmental Protection Agency (U.S.EPA), under the recent federal legislation entitled "Small Business Liability Relief and Brownfields Revitalization Act of 2002." The grant will fund various current and new activities designed to encourage brownfields redevelopment in California. One of these new activities is the TSI, which will provide funds for Cal/EPA Departments to perform these investigations at no cost to the applicant.

The TSI funds are intended to provide state and local governments, school districts, redevelopment agencies, or non-profit organizations an opportunity to gain more information about a site's condition, which can directly affect decisions on property acquisition or cleanup strategy. While the intent of this program is to provide assistance to public agencies and non-profit organizations, the Cal/EPA Departments do acknowledge the importance of the private-public partnership for facilitating redevelopment projects. Once a site has been selected, Cal/EPA Department staff and the applicant will discuss the proposed activities, which may include: preparation of a sampling plan, field work, preparation of a follow up report, or conducting a Preliminary Endangerment Assessment. DTSC will prepare a site specific scope of work and issue a work order for their investigation contractors to follow. Using the TSI funds does not preclude a public or private entity from participating in other U.S. EPA grant funded programs.

### **ELIGIBILITY CRITERIA**

The Cal/EPA Departments have developed eligibility criteria to ensure sites meet the requirements to access federal funds and the work can be completed by the established deadline dates. Information submitted to Cal/EPA Departments will be evaluated and

those sites not meeting these criteria will not be considered further under this program. Candidate sites will need to meet the following eligibility criteria:

**1. Brownfields status:** Sites must meet the U.S. EPA definition of a “brownfield” site. U.S. EPA’s definition comes from the 2002 federal legislation (cited earlier) and codified in 42 U.S.C. 9601. With certain legal exclusions and additions, the term “brownfields” means *real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant* that may include petroleum hydrocarbon releases. Sites ineligible to receive U.S. EPA grant funds include: sites with ongoing or planned U.S. EPA directed removal actions; sites proposed or listed on the National Priority List (NPL); federally owned properties; sites under enforcement actions; and sites subject to RCRA corrective action. Typical examples of brownfield sites include former industrial and manufacturing facilities or gas stations.

**2. Current ownership:** Sites should be one of following: (i) a proposed project owned by a public agency or a non-profit organization; OR (ii) within a redevelopment planning area; OR (iii) a project that is of interest to the public agency or non-profit organization who is facilitating or fostering the property for reuse; OR (iv) an abandoned or other significant site (such as proposed school site) for which the Cal/EPA Departments are interested in gathering more information.

**3. Site access:** Sites should be readily accessible to Cal/EPA Department staff and DTSC’s contractor for the purpose of performing TSI fieldwork (e.g., soil borings, monitoring well installation, or sampling). The landowner must agree to allow site access and may be asked to sign a formal site access agreement (see application).

**4. Local agency/community support:** Cal/EPA Departments want assurances that the local agencies and communities support the investigation efforts being conducted under this program. While not mandatory, Cal/EPA Departments strongly recommend submitting letters of support from community leaders, the local redevelopment agency, economic development agency, or other branch of local government (e.g., mayor’s office). Local agencies may also demonstrate support by including with the application package any previously prepared environmental reports or ASTM phase I site assessments prepared for the project.

An entity is limited to one TSI per fiscal year. An applicant may be eliminated from participating in the program if Cal/EPA Department staff or managers believe the applicant's past actions show an unwillingness to be cooperative with the Cal/EPA Departments, such as not taking corrective action or failure to provide site access.

## SCORING CRITERIA

Eligible sites will be scored using the following criteria. Scores are then entered onto a score sheet developed for this program.

**1. Current uncertainty over site contamination (perceived contamination):**

Brownfield sites can remain undeveloped or under-utilized because of perceived contamination, typically based either on visual conditions, or limited or poor quality data. In scoring this category, sites with low uncertainty would receive a lower score since additional sampling efforts will likely not provide a substantial benefit regarding the scope of the problem. Sites with higher perceived contamination problems, or with little or no sampling data, will likely receive a higher score.

**2. Uncertainty reduction:** This category evaluates the likelihood the TSI will reduce uncertainty over the degree of site contamination. For example, the TSI funds can reduce uncertainty over the degree of site contamination by filling data gaps. While the TSI funds typically will be inadequate to fully characterize very large or complex sites, the funds could be used to reduce uncertainty over site contamination at smaller sites or sites with simpler chemical use histories (e.g., nurseries). However, TSI funds may be beneficial if they are used to supplement other potential sources of funding. For example, these funds could be used to satisfy requirements set out by a lender to release a cleanup loan. In addition, the TSI could assist in finalizing the investigation or scoping of the cleanup especially if there are funds already earmarked for cleanup. Scoring this category involves an evaluation as to the direct benefit of the information to be gained by the TSI funds.

**3. Pioneer status:** In an economically distressed neighborhood, redeveloping the first brownfield site is more difficult than subsequent redevelopment. However, it is likely to encourage redevelopment of other nearby brownfield sites. "Pioneer" brownfield sites are therefore more likely to benefit from the TSI efforts than sites that are already in an economically sound area. Scoring this category involves an evaluation of the economic status of the community and the potential for the area to change based on brownfields redevelopment.

**4. Ability to perform/site access:** The funding cycle is very short. All investigations and subsequent reports need to be completed and submitted to U.S. EPA by June 2004. Due to these time constraints, sites need to be in a condition to allow the work to occur. Conditions that can impact readiness involve: not having site access, inaccessibility of necessary sampling locations, or an undefined ownership relationship (e.g., lack of purchase agreement).

**5. Plans for reuse:** This category evaluates the timing for a redevelopment or reuse project. (Reuse is not limited to commercial development and can include proposed school project, community open space and greenspace use, habitat restoration and specialized non-profit or school projects). Redeveloping a property is more likely to occur when specific plans for reuse and financing arrangements have been identified.

Factors to consider include: whether the project is within a designated redevelopment area, the specific plans and timing for reuse, whether funds have been set aside or identified for the redevelopment or reuse project, how reliable is the identified funding, and whether the project is supported by the community and public officials.

**6. Community benefit:** The potential benefits to a community from a reuse project can be measured as:

- *Potential Economic Benefit:* increases tax base, creates jobs or serves as a magnet for other retail and commercial development;
- *Social Benefit:* provides low income housing, addresses environmental justice issues, reduces and/or addresses health risk questions posed by surrounding residents;
- *Schools:* assists school districts in complying with regulatory requirements in order to construct new school facilities or expands an existing project by providing funds to assist with site assessment activity;
- *Cultural or Historical Significance:* preserves culturally sensitive or historic properties;
- *Creation or Restoration of Sensitive Land Uses:* creates wildlife preserves, parks, open space, and hospitals; and
- *Water Quality Significance:* addresses issues such as water runoff from an adjoining contaminated property or determines if groundwater has been contaminated.

## SELECTION PROCESS

The following selection process will be used by the agencies to select the sites. If necessary this may occur in two phases during FY 2003-04.

**1. Identify potential sites:** Those interested in the program including local agencies, non-profits and school districts should contact Cal/EPA Department staff provided in the document to determine if the site is eligible and discuss the content for the application package. In addition, Cal/EPA Departments may also identify sites within their known universe of sites including backlog sites where additional information would be useful to determine future actions. Any sites not meeting the eligibility criteria will be eliminated from further consideration.

**2. Obtain applications for potential sites:** An application package for each candidate site should be completed following the guidelines in Attachment 1. The completed application package, including any letters of supports, should be submitted to any of the designated Cal/EPA Departments.

**3. Site scoring:** A Cal/EPA Department staff will score the site based on the scoring criteria above. A sample scoring sheet is provided in Attachment 2. The Cal/EPA Department staff will forward the application and scoring sheet to the designated selection panel member for a decision.

**4. Selection of sites:** The selection panel will consist of five members: two representatives from each Cal/EPA Departments and one member from Cal/EPA. The panel will select the sites by considering the individual score in conjunction with overall geographic diversity, financial need, diversity in sites or contaminant types, and redevelopment project types. Specifically, the panel may select a few sites based on an agency's priorities, such as providing assistance to proposed school sites. Sites not initially selected will go on a waiting list for consideration in the event that the TSI activity for one or more selected sites does not proceed.

The deadline for the first round of applications is October 17, 2003, with the selections being made by November 17, 2003. A second application period may occur with the deadline for applications being December 30, 2003.

#### Additional Information

To obtain general information about the TSI program or how to submit an application, please contact Megan Cambridge, DTSC Statewide Brownfields Coordinator at (916) 255-3727 or [mcambrid@dtsc.ca.gov](mailto:mcambrid@dtsc.ca.gov), or Linda Dorn, State Water Resources Control Board (916) 341-5780.

Below are the names and contact information for the regional DTSC and RWQCB representatives.

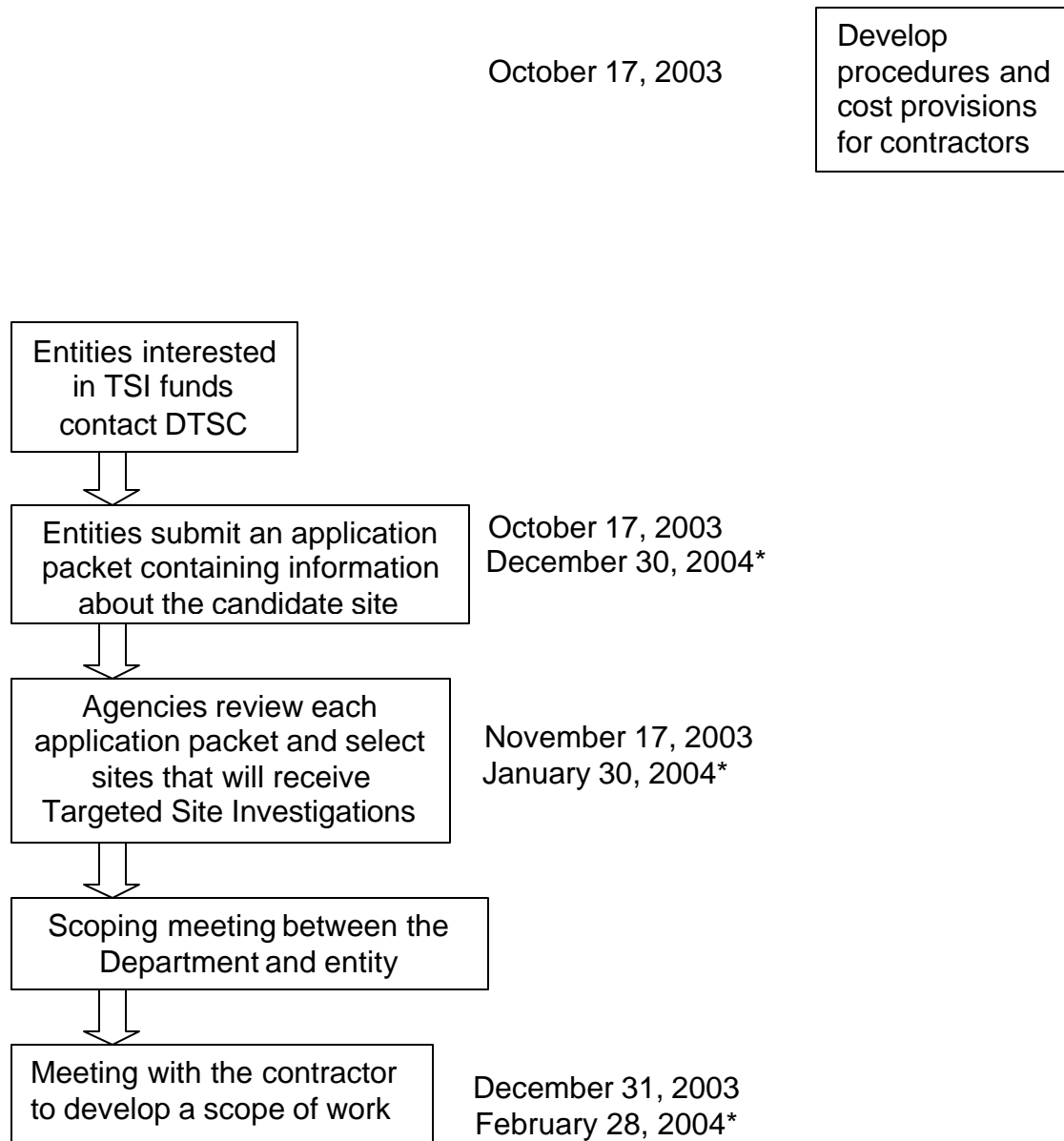
#### Regional Water Quality Control Board

Lahontan: Cindi Mitton (760) 241-7413  
Los Angeles: J.T. Liu (213) 576-6667  
North Coast: Luis Rivera (707) 570-3769  
Santa Ana: Ann Sturdivant (909) 782-4904  
San Diego: John Anderson (858) 467-2975  
SF Bay: Chuck Headlee (510) 622-2433  
Central Valley: Wendy Cohen (916) 255-3075  
Central Coast: Harvey Packard (805) 542-4639  
Colorado River: Abdi Haile (760) 776-8939

#### Department of Toxic Substances Control

Northern: Steven Becker (916) 255-3586  
Northern: (Fresno) Kevin Shaddy (559) 297-3929  
Southern: Rania Zabaneh (714) 484-5479  
Southern: Tina Diaz (818) 551-2862  
North Coast: Janet Naito (510) 540-3833 or  
Lynn Nakashima (510) 540-3839

## SCHEDULE OF ACTIVITIES



\* Dates for a second selection process provided funds are available

**Attachment 1**  
**TARGETED SITE INVESTIGATION APPLICATION**

Targeted Sites Investigation provides the Department of Toxic Substances Control (DTSC) in collaboration with the Regional Water Quality Control Board (RWQCB) with limited funds to perform site investigations by a DTSC contractor. In order to provide DTSC and RWQCB with sufficient information to make the appropriate decisions regarding the selection of these sites, it is suggested that applicant answer the following questions. For more information regarding DTSC's Brownfields Program, please visit our web site at: <http://www.dtsc.ca.gov>.

**SECTION 1 APPLICANT INFORMATION**

Applicant name and organization		
Contact person	Title	
Address		
Phone	Fax	E-mail

**SECTION 2 SITE INFORMATION**

Name of site and type of business (if applicable)	
Phone (if applicable)	
Current owner Name _____ Phone _____  Address _____	
Assessor's parcel number	Site address, city, county, zip code
Current zoning of the site:	
Number of buildings on the site and their square footage and acreage of project area:	
Physical condition of the site:	
Current permits related to the site:	
Does the applicant own this property?                      ? Yes                      ? No If yes, how and when was the property acquired? _____  If no, has the applicant obtained legal permission to enter the property to conduct the site investigation activities? _____	
Does the landowner agree to allow site access to Cal/EPA Department staff and DTSC's contractor and is he or she willing to sign a site access agreement if necessary ?	
? Yes                      ? No	

### **SECTION 3**

**Please attach appropriate regional and site location maps as well as photographs if available.**

**Attach up to five pages to page 1 of this application, addressing the following points:**

- ☐ Provide a chronological history of the site. Include the nature of manufacturing operations, processing facilities, hazardous substances storage, etc. that were located at the site. Is there a reason to believe that the site is contaminated with hazardous substances (e.g., solvents, pesticides, or metals)? Briefly describe the conclusions from any previous site assessment activities (or attach conclusion sections from relevant reports). Identify client, consultant, and approximate dates of past studies. Note: this information can be gathered as part of the targeted site investigation if it is not already available.
- ☐ Describe the plan for the anticipated site reuse. Will it be for residential, commercial, retail, schools, industrial, open space or another purpose? What is the anticipated timeframe for developing the site?
- ☐ Describe the general economic status of the community and the potential for the area to change based on brownfields redevelopment. Is the area undergoing revitalization efforts? Have there been any successful brownfields projects in the area?
- ☐ Are there plans to finance the redevelopment project, including potential site cleanup? Are there other financial incentives available to the applicant to spur development (tax incentives, etc.)?
- ☐ Is the applicant or any other party under an enforcement order from the U.S. EPA, state, or local regulatory agencies to conduct a site assessment or cleanup at this site? Briefly describe any ongoing agency oversight by a regulatory agency.
- ☐ Briefly describe the public interest or community involvement in site reuse planning activities to date.
- ☐ Provide a brief description of the anticipated community benefits including social, economic, and environmental improvements.
- ☐ Provide a brief description of the direct or immediate benefits that would be gained from the TSI efforts.



Attachment 2  
**TARGETED SITE INVESTIGATION SCORING SHEET**

Applicant (contact person and organization): \_\_\_\_\_

Site name (if any): \_\_\_\_\_

Site addresses (street address, city, and zip code): \_\_\_\_\_

Current owner's name: \_\_\_\_\_

Meets eligibility criteria (brownfields status, current ownership, site access, and local agency/community support):      Y      N      (circle one)

Scoring Factors	Score low to high					Comments and Justification for Score
	1	2	3	4	5	
1. Current uncertainty over site contamination (1=low uncertainty, 3=moderate uncertainty, 5=high uncertainty)						
2. Uncertainty reduction - likelihood that TSI will reduce uncertainty over the degree of site contamination (1=low likelihood, 3=moderate likelihood, 5=high likelihood)						
3. Pioneer status - first brownfields redevelopment in immediate neighborhood (1=economically viable area, 3=some redevelopment initiated sites, 5=pioneer site)						
4. Ability to perform/site access (1=unlikely to initial TSI in the next 6 months, 3=need to resolve minor issues, 5= ready)						
5. Plans for Reuse (1= no reuse plans, community opposition, no financing, 3 = within redevelopment area, no community opposition, early planning and financing phases, 5 = project ready, strong community and financial support)						
6. Community Benefit: (1= private development with no community benefits, 3= community improvement /taxes, 5= project will greatly benefit the community)						

Total score (all six factors)\*:

Other considerations:

\* min=6, max=30, sites with higher scores are more likely to be selected